

FILED

JUL 22 2010

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY CS DEPUTY

Vance Dotson
Plaintiff,

v.

Midland Credit MGMT Inc,
Trans Union LLC,
Defendant.

CIV - 10 - 789

Case No. _____

C. 1

COMPLAINT

COMES NOW the Plaintiff, Vance Dotson, and brings this action seeking damages for the Defendant's violations as follows:

JURISDICTION

1. Jurisdiction of this court arises under 28 USC 1331(general federal question) and pursuant to 15 USC 1692k(d) and 15 USC 1681p.
2. This arises out of Defendant's violations of the Fair Debt Collection Practices Act, 15 USC 1692et seq. (FDCPA) and the Fair Credit Reporting Act, 15 USC 1681et seq. "Midland Credit MGMT Inc"
3. This arises out of Defendant's violations of the Fair Credit Reporting Act, 15 USC 1681et seq. (FCRA) "Trans Union"
4. Venue is proper in the cause of action because the acts and transactions occurred in Oklahoma County, State of Oklahoma, Plaintiff resides in Oklahoma County, and the Defendants transacts business within this district.

PARTIES

5. The Plaintiff is a natural person who resides in Oklahoma City, County of

Oklahoma, State of Oklahoma, and is a “consumer” as that is defined by 15 USC 1692a(3) and 15 USC 1681a(c).

6. The defendant “Midland Credit MGMT Inc” is a California incorporated company and is a “debt collector” as term is defined by 15 USC 1692a(6) and is a company who furnishes information to consumer reporting under 15 USC 1681s-2.
7. The defendant “Trans Union” is a Illinois incorporated company and is a consumer reporting agency as defined by 15 USC 1681a(f).

COMMON FACTS TO THE ISSUE(S)

8. Plaintiff obtained a credit report and disputed the alleged claims with the Defendant's. After several attempts to correct the inaccurate information by the Plaintiff. The inaccurate information continued to reported.

FIRST CAUSE OF ACTION

Violation of the 15 USC 1692g(b)

9. Defendant “Midland Credit MGMT Inc” continued illegal collection activity on a disputed claim by continuing reporting the account.

SECOND CAUSE OF ACTION

Violation of the 15 USC 1692e(11)

10. Defendant “Midland Credit MGMT Inc” don't advise the Plaintiff of the mini-miranda “this is an attempt to collect a debt any information obtain will be used for that purpose.”

THIRD CAUSE OF ACTION

Violation of the 15 USC 1692e(2)(A)

11. Defendant "Midland Credit MGMT Inc" misrepresentations of the legal amount of the alleged claim.

FOURTH CAUSE OF ACTION

Violation of the 15USC 1681e(b)

12. Defendant "Midland Credit MGMT Inc" don't assure Plaintiff maximum accuracy when preparing Plaintiff report.

FIFTH CAUSE OF ACTION 15 USC 1681i

13. Defendant "Midland Credit MGMT Inc" didn't follow the procedures set forth in section I of the FCRA.

SIXTH CAUSE OF ACTION 15 USC 1681s-2

14. Defendant "Midland Credit MGMT Inc" didn't Follow the procedures set forth in s-2 of the FCRA.

SEVENTH CAUSE OF ACTION

(Negligent Noncompliance with the 15 USC 1681n)

Plaintiff realleges and incorporates paragraphs 12 through 14

As a result of Defendant "Midland Credit MGMT Inc" failure to comply with the requirements of the FCRA, Plaintiff has suffered, and continues to suffer, actual damages, including economic loss, denial of credit, lost opportunity to receive credit, damage to reputation, invasion of privacy, emotional distress and interference with normal and usual activities for which Plaintiff seeks damages in an amount to be determined by the jury.

Plaintiff request private attorney general fees. Plaintiff also seeks punitive damages in an amount to be determined by the jury.

EIGHTH CAUSE OF ACTION

(Willfull Noncompliance with the 15 USC 1681o)

Plaintiff realleges and incorporates paragraphs 12 through 14

As a result of Defendant "Midland Credit MGMT Inc" failure to comply with the requirements of the FCRA, Plaintiff has suffered, and continues to suffer, actual damages, including economic loss, denial of credit, lost opportunity to receive credit, damage to reputation, invasion of privacy, emotional distress and interference with normal and usual activities for which Plaintiff seeks damages in an amount to be determined by the jury.

Plaintiff request private attorney general fees. Plaintiff also seeks punitive damages in an amount to be determined by the jury.

COMMON FACTS TO THE ISSUE(S)

Plaintiff obtained a credit report and disputed the alleged claims with the Defendant's. After several attempts to correct the inaccurate information by the Plaintiff. The inaccurate information continued to reported.

FIRST CAUSE OF ACTION

Violation of 15 USC 1681e(b)

- 1. Defendant "Trans Union" didn't assure Plaintiff maximum accuracy when preparing Plaintiff report.**

SECOND CAUSE OF ACTION

Violation of 15 USC 1681i

- 2. Defendant "Trans Union" didn't follow the procedures set forth in section I of the FCRA.**

THIRD CAUSE OF ACTION

(Negligent Noncompliance with 15 USC 1681n)

Plaintiff realleges and incorporates paragraphs 1 through 2

As a result of Defendant "Trans Union" failure to comply with the requirements of the FCRA, Plaintiff has suffered, and continues to suffer, actual damages, including economic loss, denial of credit, lost opportunity to receive credit, damage to reputation, invasion of privacy, emotional distress and interference with normal and usual activities for which Plaintiff seeks damages in an amount to be determined by the jury.

3. Plaintiff request private attorney general fees. Plaintiff also seeks punitive damages in an amount to be determined by the jury.

FOURTH CAUSE OF ACTION

(Willfully Noncompliance with 15 USC 1681o)

Plaintiff realleges and incorporates paragraphs 1 through 2

As a result of Defendant "Trans Union" failure to comply with the requirements of the FCRA, Plaintiff has suffered, and continues to suffer, actual damages, including economic loss, denial of credit, lost opportunity to receive credit, damage to reputation, invasion of privacy, emotional distress and interference with normal and usual activities for which Plaintiff seeks damages in an amount to be determined by the jury.

4. Plaintiff request private attorney general fees. Plaintiff also seeks punitive damages in an amount to be determined by the jury.

Plaintiff requests a jury trial on all claims.

CLAIMS FOR RELIEF

(Claim A, Claim B, Claim C.)

- A. As a Result of the above violations of the 15 USC 1692, the Defendant “Midland Credit MGMT Inc” is liable to the Plaintiff for declaratory judgment that defendant “Midland Credit MGMT Inc” conduct violated the 15 USC 1692, Plaintiff actual cost, statutory damages, and court cost and reasonable private attorney general fees.

WHEREFORE, Plaintiff respectfully ask an Judgment in excess of \$15,000 be entered against the Defendant “Midland Credit MGMT Inc” for the Following:

1. Declaratory judgment that Defendant “Midland Credit MGMT Inc” conduct violated 15 USC 1692, and declaratory and injunctive relief against the Defendant “Midland Credit MGMT Inc”
2. Actual cost, Mailing fees, Court cost.
3. Statutory damages pursuant to 15 USC 1692k
4. Reasonable private attorney’s general fees

For such other and further relief as may be just and proper.

- B. As a Result of the above violations of the 15 USC 1681, the Defendant “Midland Credit MGMT Inc” is liable to the Plaintiff for declaratory judgment that defendant “Midland Credit MGMT Inc” conduct violated the 15 USC 1681, Plaintiff actual cost, statutory damages, and court cost and reasonable private attorney general fees.

WHEREFORE, Plaintiff prays for judgment against Defendant “Midland Credit MGMT Inc” as Follow:

On the Fourth Claim for relief:

1. Actual damages to be determined by the jury; and
2. Punitive damages to be determined by the jury; and
3. Reasonable private attorney general fees.

On the Fifth Claim for relief:

1. Actual damages to be determined by the jury; and
2. Punitive damages to be determined by the jury; and
3. Reasonable private attorney general fees.

On the Sixth Claim for relief:

1. Actual damages to be determined by the jury; and
2. Punitive damages to be determined by the jury; and
3. Reasonable private attorney general fees.

On the Seventh Claim for relief:

1. Actual damages to be determined by the jury; and
2. Punitive damages to be determined by the jury; and
3. Reasonable private attorney general fees.

On the Eighth Claim for relief:

1. Actual damages to be determined by the jury; and
2. Punitive damages to be determined by the jury; and
3. Reasonable private attorney general fees.

C. As a Result of the above violations of the 15 USC 1681, the Defendant "Trans Union" is liable to the Plaintiff for declaratory judgment that defendant "Trans Union" conduct violated the 15 USC 1681, Plaintiff actual cost, statutory

damages, and court cost and reasonable private attorney general fees.

WHEREFORE, Plaintiff prays for judgment against Defendant "Trans Union" as Follow:

On the First Claim for relief:

1. Actual damages to be determined by the jury; and
2. Punitive damages to be determined by the jury; and
3. Reasonable private attorney general fees.

On the Second Claim for relief:

1. Actual damages to be determined by the jury; and
2. Punitive damages to be determined by the jury; and
3. Reasonable private attorney general fees.

On the Third Claim for relief:

1. Actual damages to be determined by the jury; and
2. Punitive damages to be determined by the jury; and
3. Reasonable private attorney general fees.

On the Fourth Claim for relief:

1. Actual damages to be determined by the jury; and
2. Punitive damages to be determined by the jury; and
3. Reasonable private attorney general fees.

On All Claims for relief:

1. Cost and expenses incurred in the action.

Dated this 22 th day of July 2010

Vance Dite

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JURY TRIAL DEMANDED